



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,941	04/21/2004	Cezary Marcjan	MS305632.01/MSFTP627US	7204
27195 7590 05/29/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER WON, MICHAEL YOUNG				
ART UNIT 2155		PAPER NUMBER		
NOTIFICATION DATE 05/29/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doctet1@thepatentattorneys.com
hholmes@thepatentattorneys.com
lpasterchek@thepatentattorneys.com

Office Action Summary

Application No.

10/828,941

Applicant(s)

MARCIAN, CEZARY

Examiner

MICHAEL Y. WON

Art Unit

2155

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7 and 9-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 9-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed March 4, 2008.
2. Claims 1, 6, 7, 9, 14-16, 24, 33 and 34 have been amended and claims 5 and 8 have been cancelled.
3. Claims 1-4, 6, 7 and 9-35 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10-13 and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al. (US 6,678,720).

As per **claim 10**, Matsumoto teaches a system that facilitates file sharing comprising:

a content analysis component that analyzes at least a portion of content for which sharing is desired (see col.3, lines 57-59: "receives from the first information

terminal via the communications function the designation of the virtual space of one of the chat devices”);

a channel analysis component that examines compatibility of available communication channels with respect to the content for which sharing is desired (see col.4, lines 49-53: “The conversion means, when the target switching means has received a virtual space designation, acquires from the message storage means the message history of the designated virtual space and converts it to a format suited to the first information terminal”); and

a channel controller component that selects at least one communication channel that is determined to be available to transport the content based at least in part upon analysis of the content (see col.4, lines 7-8: “The destination is selected from a channel”; and lines 56-67: “designation of a channel”).

As per **claim 11**, which depends on claim 10, Matsumoto teaches further comprising an authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the content at least in part by matching user-based input to one or more listings comprising users who are pre-approved for access as indicated by at least one of their username, password email address, network name, and computer name (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 12**, which depends on claim 11, Matsumoto further teaches wherein the authentication component further resolves multiple personas, usernames,

nicknames, and/or aliases for any one user to identify the user correctly (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 13**, which depends on claim 10, Matsumoto further teaches wherein the content is located in one or more virtual share spaces (see claim 2 rejection above).

As per **claim 17**, which depends on claim 10, Matsumoto further teaches wherein the channel controller further controls a plurality of communication channels (see col.13, lines 49-53).

As per **claim 18**, which depends on claim 10, Matsumoto further teaches wherein the first computer originates the content to be shared and on at least a second computer desires access to such content (see col.3, lines 30-44).

As per **claim 19**, which depends on claim 18, Matsumoto further teaches wherein the first computer is located at a first location and the second computer is located at a second location such that they correspond to one user (see col.4, lines 13-23).

As per **claim 20**, which depends on claim 18, Matsumoto further teaches wherein the first computer corresponds to a first user and the second computer corresponds to a second user, the first user being different from the second user (see col.1, lines 18-26).

As per **claim 21**, which depends on claim 10, Matsumoto further teaches wherein access to at least a first portion of the content is granted to at least a first computer, such that the first computer only is permitted to see the portion of the content to which access is granted (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 22**, which depends on claim 10, Matsumoto teaches further comprising a component that communicates with an unknown computer to determine

Art Unit: 2155

available communication channels and access rights of the computer at least in part by extracting information therefrom using an, open communication channel to detect user information (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 23**, which depends on claim 22, Matsumoto further teaches wherein the open communication channel is an email channel (see col.4, lines 21-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 7, 30, 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 6,678,720) in view of Marker Jr. (US 4,802,220).

As per **claim 1**, Matsumoto teaches a system that facilitates sharing content between at least any two computers comprising:

an authentication component that verifies a user's identity based in part on user-based input to determine whether the user has access rights to the content (see col.4, lines 30-39 and col.8, lines 43-64: "Authentication module 13 compares the authentication information sent from access device 2 with the authentication information in authentication database 12"); and

an analysis component that identifies and determines whether any communication channels are available to share the content between the at least two computers based at least in part on one or more characteristics of the content (see col.3, lines 57-59: "target switching means receives from the first information terminal via the communications function the designation of the virtual space or one of the chat devices"; col.4, lines 56-67: "designation of a channel").

Matsumoto does not explicitly teach one or more of the communication channels comprising a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent.

Marker, Jr. teaches one or more of the communication channels comprising a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver (col.2, lines 34-46: "splitting routine for splitting individual messages among multiple channel") and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent (see col.9, lines 61-65: "receipt of the packet... is acknowledged").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that one or more of the communication channels comprising a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller

chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent. One would be motivated to do so because Marker, Jr. teaches that such implementation avoids all the information in the original signal within a single channel from being recorded and exhaustively analyzed by unauthorized listeners (see col.1, lines 48-66) and acknowledgement is a means known to one of ordinary skill in the art of confirming to the sender of receipt thus preventing the sender from sending another packet and thereby utilizing unnecessary bandwidth.

As per **claim 2**, which depends on claim 1, Matsumoto teaches further comprising a virtual share space that stores content to be shared with one or more other computers (see col.1, lines 7-10 & 21-23).

As per **claim 3**, which depends on claim 2, Matsumoto further teaches wherein the virtual share space is accessed by at least one of at least one communication channel or a unique key (see col.1, lines 7-10 & 21-23 and col.9, lines 29-35).

As per **claim 4**, which depends on claim 1, Matsumoto further teaches wherein the communication channels comprise email (see col.4, lines 21-23), Internet (see col.2, lines 54-55), server, proxy server (see col.2, lines 60-63), and direct access (see col.7, 47-54).

As per **claim 6**, which depends on claim 1, Matsumoto does not explicitly teach wherein the two or more chunks are identified with special keys in subject line or email headers.

Marker, Jr. teaches wherein the **two** or more chunks are identified with special keys in subject line or email headers (see col.20, line 59-col.21, line 16).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that the two or more chunks are identified with special keys in subject line or email headers. One would be motivated to do so because such implementation allows the received chunks to be combined to its original message for rendering by the recipient.

As per **claim 7**, which depends on claim 1, Matsumoto does not explicitly teach wherein the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system.

Marker, Jr. teaches wherein the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system (see col.3, lines 2-6 and col.12, lines 17-24).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system. One would be motivated to do so because Marker, Jr. further teaches that this is an added level of security.

As per **claim 30**, which depends on claim 29, Matsumoto and Marker, Jr. teach further comprising:

dividing a large file into two or more smaller chunks;
sending each chunk separately to the receiver; and
acknowledging to the sender receipt of each chunk before a subsequent chunk is sent by the sender; and assembling the two or more chunks to create a copy of the content (see claim 1 rejection above).

As per **claim 31**, which depends on claim 30, Matsumoto and Marker, Jr. teach further comprising encrypting the two or more chunks before sending to the receiver and decrypting before or during the assembling of the chunks (see claim 7 rejection above).

As per **claim 35**, Matsumoto further teaches a computer readable medium having stored thereon the system of claim 1 (see col.5, lines 39-45).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 6,678,720) and Marker, Jr. (US 4,802,220), and further in view of Eberle et al. (US 7,061,929).

As per **claim 9**, which depends on claim 1, Matsumoto and Marker, Jr. do not explicitly teach wherein the one or more characteristics of the content comprising size of content.

Eberle teaches characteristics of the content comprising size of content (see col.6, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto and Marker, Jr. in view of

Eberle by implementing characteristics of the content comprising size of content. One would be motivated to do so because Eberle teaches such means ensures a "high utilization of channel" (see col.6, lines 5-8).

7. Claims 14-16 and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 6,678,720) in view of Eberle et al. (US 7,061,929).

As per **claim 14**, which depends on claim 10, Matsumoto does not explicitly teach wherein the content analysis component examines file size to facilitate determining which communication channel to employ to share the content.

Eberle teaches examining file size to facilitate determining which communication channel to employ to share the content (see claim 9 rejection above).

As per **claim 15**, which depends on claim 10, although Matsumoto teaches wherein the channel analysis component examines the one or more communication channels to determine whether they are available (see col.3, lines 57-59 and col.4, lines 56-67), Matsumoto does not explicitly teach whether they satisfy a content size threshold.

Eberle teaches whether they satisfy a content size threshold (see claim 9 rejection above).

As per **claim 16**, which depends on claim 15, although Matsumoto further teaches wherein one or more communication channels are deemed unavailable (see

col.4, lines 30-39 and col.8, lines 27-64), Matsumoto does not explicitly teach unavailability if they fail to the content size threshold.

Eberle teaches unavailability if they fail to the content size threshold (implicit: see claim 9 rejection above).

As per **claim 24**, Matsumoto teaches a content-sharing and transport method comprising:

receiving user-based input in request to access content designated for sharing (see col.3, lines 3-8: "The user notified of the URL can access the message using the ordinary method"); and

determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer (see col.3, lines 57-59: "target switching means receives from the first information terminal via the communications function the designation of the virtual space or one of the chat devices"; col.4, lines 56-67: "designation of a channel").

Matsumoto does not explicitly teach determining at least one communication channel is based at least in part on availability and content size.

Eberle teaches determining at least one communication channel is based at least in part on availability and content size (see col.6, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Eberle by implementing determining at least one communication channel is based at least in part

on availability and content size. One would be motivated to do so because Eberle teaches such means ensures a "high utilization of channel" (see col.6, lines 5-8).

As per **claim 25**, which depends on claim 24, Matsumoto teaches further comprising: creating one or more virtual share spaces to maintain content for sharing with other computers (see claim 2 rejection above), and approving access rights to one or more users for access to at least one virtual share space and storing them alongside the respective content (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 26**, which depends on claim 24, Matsumoto teaches further comprising assigning a unique key to the one or more virtual share spaces to facilitate permitting anytime access to at least a portion of the content in the virtual share space (see col.9, lines 29-35).

As per **claim 27**, which depends on claim 24, Matsumoto teaches further comprising authenticating the user-based input to confirm user identity and/or user access rights to the content (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 28**, which depends on claim 24, Matsumoto further teaches wherein the communication channel is any one of email, server, interact, direct access to the content, and/or proxy server (see claim 4 rejection above).

As per **claim 29**, which depends on claim 28, Matsumoto further teaches providing a module in connection with the email communication channel to facilitate sharing content via email (see claim 23 rejection above).

As per **claim 32**, which depends on claim 28, Matsumoto further teaches wherein the availability of the email channel depends in part on email service associated therewith (see claim 23 rejection above).

As per **claim 33**, Matsumoto teaches a content-sharing system comprising:
means for receiving user-based input in request to access content designated for sharing (see col.3, lines 3-8: "The user notified of the URL can access the message using the ordinary method"); and

means for determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer (see col.3, lines 57-59: "target switching means receives from the first information terminal via the communications function the designation of the virtual space or one of the chat devices"; col.4, lines 56-67: "designation of a channel").

Matsumoto does not explicitly teach determining at least one communication channel is based at least in part on availability and content size.

Eberle teaches determining at least one communication channel is based at least in part on availability and content size (see col.6, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Eberle by implementing determining at least one communication channel is based at least in part on availability and content size. One would be motivated to do so because Eberle teaches such means ensures a "high utilization of channel" (see col.6, lines 5-8).

As per **claim 34**, Matsumoto teaches a data packet adapted to be transmitted between two or more computer processes facilitating easier sharing of content, the data packet comprising:

information associated with automatically determining at least one communication channel to employ to share or transport content between two or more computers (see col.3, lines 57-59: "target switching means receives from the first information terminal via the communications function the designation of the virtual space or one of the chat devices"; col.4, lines 56-67: "designation of a channel").

Matsumoto does not explicitly the determination being based at least in part upon content size and channel availability.

Eberle teaches determination being based at least in part upon content size and channel availability (see col.6, lines 4-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Eberle by implementing determination being based at least in part upon content size and channel availability. One would be motivated to do so because Eberle teaches such means ensures a "high utilization of channel" (see col.6, lines 5-8).

Response to Arguments

8. Applicant's arguments with respect to claims 1, 24, 33, and 34 have been considered but are moot in view of the new ground(s) of rejection. Amended claim 1 incorporates limitations of claims 5 and 8 (now cancelled). Claims 5 and 8 was

previously rejected in view of Marker, Jr. Marker, Jr. clearly and explicitly teaches the amended limitations. With respect to the arguments regarding amended claims 24, 33, and 34, Eberle has been cited to explicitly teach the missing limitation.

Conclusion

9. Claims 1-4, 6, 7, and 9-35 have been rejected and remain pending.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2155

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

May 21, 2008